

agency headed by such an officer are to be considered by the council; and

(viii) Classroom teachers who have demonstrated outstanding results in teaching children or adults to read.

(2) The State shall ensure that there is appropriate representation on the State advisory council of—

- (i) Urban and rural areas;
- (ii) Women;
- (iii) Persons with disabilities; and
- (iv) Racial and ethnic minorities.

(b)(1) A State shall certify to the Secretary the establishment of, and membership of, its State advisory council.

(2) The certification must be submitted to the Secretary prior to the beginning of any program year in which the State desires to receive a grant under the Act.

(c) Members must be appointed for fixed and staggered terms and may serve until their successors are appointed. Any vacancy in the membership of the council must be filled in the same manner as the original appointment. Any member of the council may be removed for cause in accordance with procedures established by the council.

(Approved by the Office of Management and Budget under control number 1830-0501)

(Authority: 20 U.S.C. 1205a (a)(1), (b), (c), and (e))

**§ 461.52 What are the responsibilities of a State advisory council?**

(a) Subject to paragraphs (b) and (c) of this section, the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the Governor of the State), and the number, time, place, and conduct of meetings.

(b) The State advisory council shall meet at least four times each year. At least one of those meetings must provide an opportunity for the general public to express views concerning adult education in the State.

(c) One member more than one-half of the members on the council constitute a quorum for the purpose of transmitting recommendations and proposals to the Governor of the State, but a lesser number of members may constitute a quorum for other purposes.

(d) A State advisory council shall—

(1) Meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;

(2) Advise the Governor, the SEA, and other State agencies concerning—

(i) The development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2) of the Act, especially with respect to—

(A) Improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for those goals in a comprehensive approach;

(B) Improving literacy programs in the State; and

(C) Fulfilling the long-term literacy goals of the State;

(ii) The coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

(iii) The improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

(iv) Private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;

(3) Review and comment on the plan submitted pursuant to section 356(h) of the Act and submit those comments to the Secretary;

(4) Measure progress on meeting the goals and objectives established pursuant to paragraph (d)(2)(i) of this section;

(5) Recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

(6) Develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State program that are consistent with

## § 461.53

those proposed by the Federal Inter-agency Task Force on Literacy; and

(7)(i) Approve the plan for the program reviews and evaluations required in section 352 of the Act and § 461.46 and participate in implementing and disseminating the program reviews and evaluations. In approving the plan for the program reviews and evaluations, the State advisory council shall ensure that persons knowledgeable of the daily operation of adult education programs are involved;

(ii) Advise the Governor, the State legislature, and the general public of the State with respect to the findings of the program reviews and evaluations; and

(iii) Include in any reports of the program reviews and evaluations the council's comments and recommendations.

(Approved by the Office of Management and Budget under control number 1830-0501)

(Authority: 20 U.S.C. 1205a (d) and (f), 1206a(a)(3)(B))

### § 461.53 May a State establish an advisory body other than a State advisory council?

(a) A State may establish an advisory body that is funded solely from non-Federal sources.

(b) The advisory body described in paragraph (a) of this section is not required to comply with the requirements of section 332 of the Act and this part.

(c) The non-Federal funds used to support the advisory body may not be included in the non-Federal share of expenditures described in § 461.41(c).

(Authority: 20 U.S.C. 1205a and 1209)

## PART 462—MEASURING EDUCATIONAL GAIN IN THE NATIONAL REPORTING SYSTEM FOR ADULT EDUCATION

### Subpart A—General

Sec.

462.1 What is the scope of this part?

462.2 What regulations apply?

462.3 What definitions apply?

462.4 What are the transition rules for using tests to measure educational gain for the

## 34 CFR Ch. IV (7–1–08 Edition)

National Reporting System for Adult Education (NRS)?

### Subpart B—What Process Does the Secretary Use To Review the Suitability of Tests for Use in the NRS?

462.10 How does the Secretary review tests?

462.11 What must an application contain?

462.12 What procedures does the Secretary use to review the suitability of tests?

462.13 What criteria and requirements does the Secretary use for determining the suitability of tests?

462.14 How often and under what circumstances must a test be reviewed by the Secretary?

### Subpart C [Reserved]

### Subpart D—What Requirements Must States and Local Eligible Providers Follow When Measuring Educational Gain?

462.40 Must a State have an assessment policy?

462.41 How must tests be administered in order to accurately measure educational gain?

462.42 How are tests used to place students at an NRS educational functioning level?

462.43 How is educational gain measured?

462.44 Which educational functioning levels must States and local eligible providers use to measure and report educational gain in the NRS?

AUTHORITY: 20 U.S.C. 9212, unless otherwise noted.

SOURCE: 73 FR 2315, Jan. 14, 2008, unless otherwise noted.

### Subpart A—General

#### § 462.1 What is the scope of this part?

The regulations in this part establish the—

(a) Procedures the Secretary uses to determine the suitability of standardized tests for use in the National Reporting System for Adult Education (NRS) to measure educational gain of participants in an adult education program required to report under the NRS; and

(b) Procedures States and local eligible providers must follow when measuring educational gain for use in the NRS.

(Authority: 20 U.S.C. 9212)